

APPROVED: Meeting No. 28-82

ATTEST:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 25-82

June 14, 1982

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, June 14, 1982, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Attorney Paul Glasgow; City Clerk Helen Heneghan; City Manager Larry Blick; Public Information Officer Sue M. Patterson; Director of Planning James M. Davis; Director of Community Development and Housing Assistance Douglas Horne; Budget Officer Anna Lee Berman; Assistant City Manager Daniel Hobbs; Chief of Police Jared Stout.

Re: City Manager's Report

Mr. Blick reported the following:

1. Today Councilmembers Hovsepian and Abrams and the City Manager attended the ground breaking of the performing arts center of Montgomery College. It is an excellent addition to the City.

2. Notification letters are being distributed to 1700 households whose days for regular refuse collection are being changed July 1 as a result of the City's productivity program. The number of households for a three man route will increase from 550 to 585 and for two man routes 402 to 427.

3. Congratulations are in order to Community Resources Director Bert Drayton, who last night received an award at the United Church Center for Community Ministries in recognition and appreciation of his leadership in establishing justice, and facilitating and maintaining peace within the Rockville community. Other recipients were citizen activist Norma Duffin & Dick Williams of the Montgomery County Police Department.

4. The State of Maryland has told Montgomery County that the debt service on Maryvale School applied to the building and not the land so that use of the land as public use after razing does not fulfill their requirements for not

Meeting No. 25-82

-2-

June 7, 1982

calling the mortgage, therefore, the County must satisfy the debt. The State was not aware of the unusually poor condition of the building when the decision was made to raze it so the County and the City are going to inform the State of this circumstance in hope of getting a different answer.

5. Councilman Duncan had requested the Historic Preservation Plan for Council review as soon as possible. The Plan will be reviewed by the Planning Commission this week and next. Then a public hearing must be held in late July due to several changes since the prior public hearing. It may possibly come before the Mayor and Council in August and then a hearing can be held in September.

Councilman Tyner asked that the City Manager and the Historic District Commission make available the Plan as originally submitted so that the two new Councilmembers can compare the changes. Councilman Duncan asked if there is any possibility of the schedule being moved up. The City Manager said it is difficult because of advertising requirements for a public hearing, etc. Councilman Tyner asked that the West Montgomery Task Force material be provided to the new council, also.

Mayor Freeland asked that the Mayor's congratulations be passed on to Mr. Drayton. He asked the City Manager to move as quickly as possible concerning Maryvale School. If necessary, he will meet with the State official to explain that schools cannot be left standing without a major cost for renovation.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Mrs. Reinhold. Mrs. Reinhold spoke to the Council and presented the members of Boy Scout Troop 1758 who are Brian Little, David Reinhold, Erick Warnock, Marc Colner, Tod Colner, and Billy Duvall. The boys presented gypsy moth traps to the Mayor and Council and asked that the Council promote their use to avoid infestation.

2. Howard Silberstein, 2008 Dundee Road. Mr. Silberstein noted an advertisement in the Gaithersburg Gazette that mentioned \$200,000 of community development funds would be given by Montgomery County to the Rockville Housing Authority. He asked an explanation of what the money is being spent for.

Mr. Silberstein said he is disturbed at the employment section of the contract before the Council this evening concerning the Town Center. It does not deal with the employment of minorities. He asked why that is being handled

in a letter instead of in the contract.

Mr. Silberstein addressed his remarks to Councilman Abrams and cited a recent newsletter article mentioning Councilman Abrams aspiring to partisan political office on the State level. He questioned the wisdom of this act.

Mayor Freeland told Mr. Silberstein that Councilman Tyner is working with the Housing Authority funding and a full report will be before the Council soon. He explained that the Council discussed and reviewed the letter concerning the employment of minorities and the Council has been assured by legal counsel that the letter has advantages over the contract, but the City Attorney can give Mr. Silberstein more detail.

Councilman Abrams suggested Mr. Silberstein call him and they can discuss his political plans since he has tried not to mix City politics with other partisan issues. (At this time Councilman Duncan left the meeting.)

3. Roger McArthur, Plymouth Woods Condominium Board of Directors. Mr. McArthur brought to the Council's attention the intersection of College Parkway and Nelson Street. It has a sign "No Thru Trucks" but the same sign is not at Rt 355 and College Parkway. He suggested that with the school children crossing that street, more signing is necessary. He also asked the owners of College Parkway to repair the pot hole at the entrance.

Mr. Robert Weirich, Chairman of the Traffic and Transportation Commission, present in the audience, said the pot hole has been fixed and told Mr. McArthur that the Commission has asked for an advanced stop sign at College Plaza to warn motorists of the sign coming up.

4. Roslyn Fisher, 95 Dawson Avenue. Ms. Fisher spoke to the Council about the need for a traffic light at Dawson Avenue at Washington Street. She noted the problem that occurred there due to a gas leak last week and during the evacuation of the building by the fire department, safely crossing the street was almost impossible due to the heavy traffic. The Mayor told Ms. Fisher the traffic lights are included in this year's budget which will be adopted this evening.

5. Michael Patterson, Chairman Historic District Commission. Mr. Patterson reminded the Council that there are two documents that the Council must review in reference to a discussion earlier this evening. One is the amendment to the Master Plan and the second is the Historic District Plan so a review could take longer than anticipated.

Mr. Patterson said he has inspected the Dawson House which will be discussed by the Council under new business this evening. Originally, the staff had considered selling the property to Peerless Rockville with 6,000 square feet. Six thousand square feet is extremely judgmental to the concept and 12,000 has been suggested. He requested a lot size of a half acre which would put the property in its natural setting. Mayor Freeland said this will be taken under consideration during discussions later this evening.

6. Robert Weirich, Chairman of Peerless Rockville. Mr. Weirich addressed the Council concerning the Dawson Farm House which will be discussed later. He said he would like to participate in the discussion if it is possible. He has visited the property and has listened to expressions of interest from prospective purchasers. It is possible that Peerless Rockville may not need the \$30,000 loan from the City but would like to retain the option if the bid situation does not work. He said a lot size of 12,000 square feet may still be too small, 15,000 would be preferable. The second issue that must be addressed is reversion. He recommends instead of complete reversion to the City after 50 percent of the property is renovated, if an accident should occur, the owner should be allowed to rebuild. He said the issue of the National Register still must be resolved.

Mr. Weirich, speaking as Chairman of the Traffic and Transportation Commission, said although the stop light at Dawson and Washington Avenue is in the budget, the median would help until the light is installed. Mayor Freeland said both probably would be necessary. Mayor Freeland reminded Mr. Weirich that the new intersection of Fleet Street and Monroe has already had two accidents, one severe one this evening. Previous driving patterns are hard to change and he said that fast action is needed there including markings, etc., for safety.

Councilman Tyner asked Mr. Weirich's opinion of the Dawson Home being placed in the National Historic Trust. Mr. Weirich said it would seem the entire property needs placement in order for it to be a viable entity.

7. Joanne Mazetta, member of the Human Rights Commission. Ms. Mazetta told the Council that she would like to know why a letter instead of contract provision for the employment of minorities in the Town Center is before the Council this evening. She asked the City Attorney to contact her and explain the reason. The Mayor assured Ms. Mazetta this would be done.

There being no other citizen wishing to address the Mayor and Council, Mayor Freeland closed the citizen's forum portion of the meeting.

Meeting No. 25-82

-5-

June 14, 1982

Re: Resolution: Appreciation to
Reverend William J. Silk,
St. Mary's Parish.

Resolution No. 15-82

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Resolution No. 15-82, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, commending William J. Silk on 16 years of service in the City of Rockville, was adopted by the Mayor and Council.

Re: Appointments

Mayor Freeland recommended the following appointments. They were confirmed by the Council:

Rockville Seniors, Inc.,: Bernice Grossman (business), Francis Quinn (attorney), Ralph DeLisa (accountant), Jean Brady (Senior Citizen Commission Member), Clarice Kayser (Senior Citizen Commission Member), Eva Mitchell (Senior Citizen Club Member), May Beely (Senior Citizen Club Member), Harriet Soder (Senior Citizen Club Member)

Animal Control Board: Richard Simmons - reappointed - one-year chairmanship
Cynthia L. Fournier - appointed - three-year term
223 Ashley Avenue

Cultural Arts Commission: Eileen Mader - reappointed - two-year term

Recreation and Park Advisory Board: Leo Leitner - reappointed - two-year term

Alternative Community Service Commission: Jane French - reappointed - two-year term

Economics of Amenity: Lowell Baier, Developer
Wintergreen Plaza

Senior Citizens Commission: Jean Brady - reappointed - three-year term

Human Rights Commission: Stuart S. Greenfeig - four-year term
1129 Pipestem Place

The Council requested from the City Clerk an updated vacancy list on Boards and Commissions.

Re: Presentation by Charles L. Short,
Chairman, Montgomery County Ad
Hoc Task Force on Drinking and
Driving

Mr. Short addressed the Council, gave them a summary of the task force report, and noted that 66 recommendations were made by the task force. He answered the Council's questions, explaining that incarceration as a deterrent was a rather weak recommendation. (At this time, Councilman Duncan returned to the meeting.)

The task force suggested pushing for stiffer fines from judges and had decided that weekend incarceration would be one answer but poses a problem due to space limitations. The task force

has suggested immediate suspension of driving privileges, not waiting a long time for a trial, etc. Mayor Freeland said the City is prepared to do whatever it can to support the program. Councilman Duncan noted that Chief Stout will be coming back to the Mayor and Council with his recommendations for the City's participation. Mayor Freeland noted that it is often said that licenses cannot be taken away because it removes a persons rights, but many times people fail to note that there is nothing to tell parents when their child loses all his rights because a person driving while intoxicated has eliminated the child's future. He said the time has come to come down hard on something that continues to kill 55,000 people a year and put 2.5 million in the hospital and cause billions in property damage. The Mayor and Council thanked Mr. Short for addressing them.

Mr. Short presented a certificate of appreciation to Councilman Duncan for his service on the task force.

Re: Resolution: To Establish
Service Charge Rate - Municipal
Refuse Collection

Resolution No. 16-82

On motion of Councilman Tyner, duly seconded and unanimously passed, Resolution No. 16-82, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, establishing a service charge rate of \$13.06 per month, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To
Amend Section 7-2.16 of Chapter
7 of the Laws of Rockville to
establish a water consumption
charge

Ordinance No. 17-82

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, Ordinance No. 17-82, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, establishing a water consumption charge of \$1.06 per 1,000 gallons, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To Amend
Section 7-2.17 of Chapter 7 of
the "Laws of Rockville" to
establish a sewer usage charge.

Ordinance No. 18-82

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 18-82, the full text of which can be found in Ordinance Book

No. 11 of the Mayor and Council, establishing a sewer usage charge of \$1.61 per 1,000 gallons, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To
Appropriate Funds and Levy
Taxes, FY 1982

Ordinance No. 19-82

Councilman Tyner moved to amend the appropriation ordinance to substitute on page 1, \$13,192,027.00 for \$13,017,785.00 on the general fund, to add the emergency assistance program fund of \$97,000, and to change the amounts appropriated as indicated in the ordinance to reflect the changes as made by the Council in work session and on page 3 to delete an obsolete reference to Section 42-49 of the Montgomery County Code. The amendment passed unanimously. Councilman Abrams noted that this ordinance, when adopted, reflects a ninety cents tax rate which is a five cents reduction from the previous year.

On motion of Councilman Tyner, duly seconded and unanimously passed, Ordinance No. 19-82, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, appropriating funds and levying taxes for FY 1983 was adopted as amended by the Mayor and Council.

Mayor Freeland thanked all those who worked on the budget this year for their assistance and cooperation. He said it was indeed a pleasurable experience.

Re: Adoption of Resolution: to
Establish Values and Authorize
Execution of Agreement for Sale
and/or Lease of Disposition
Parcels 2N, 1A, 1B, and 1C,
Mid-City Urban Renewal Project
Area.

Resolution No. 17-82

The Council has before them a resolution establishing the values of the properties proposing to be sold through the disposition and development agreement between the Mayor and Council of Rockville and the New Rockville Town Center Partners. The Resolution also confirms that the values for which the properties are proposed to be sold or leased are no less than fair market value as is required by the City Charter. The Resolution authorizes the Mayor to execute the disposition agreement on behalf of the City. The Mayor and Council noted the modifications that have been made to the document since the original letter of understanding was signed in April. The document that the

Mayor will be signing conforms to that letter of understanding. Included with the document is a letter of the intention of the developer to employ Rockville residents and minorities. Councilman Tyner noted that the Winmar/Nordal agreement is intertwined with the Mall. He added that although an agreement will be signed this evening there is a good deal of hard work ahead as the parking details are worked out. Mayor Freeland noted that changing the time for the residential search shows the good intentions on the part of the developer. A definite effort was made to mix the concerns of the public with the problem of economic viability and the document itself has exceeded expectations. He noted also that although the City signs the agreement this evening it still must be executed by the developer. Councilman Abrams commended all parties involved for their patience. He noted his pleasure with the language refinement which reflects his understanding of the pursuit of residential development, changing O-4 and O-5 to R-1 and R-2. Councilman Duncan also noted his approval of the agreement and the letter of understanding. Councilwoman Hovsepian agreed with the thoughts expressed.

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 17-82, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, establishing values and authorizing execution of agreement for sale and/or lease of disposition parcels 2N, 1A, 1B, and 1C, was adopted by the Mayor and Council.

Re: Review of Testimony on
Change in Scheduling of Ride-
On Bus Route from Town Center
to Lake Forest Mall in
Gaithersburg

Mr. Davis, Director of Planning, elaborated on the testimony before the Council. It was the consensus of the Council to favor the testimony and ask the Chairman of the Traffic and Transportation Commission to deliver it for the Council.

Re: Award of Contract: Bid
No. 50-82, Vehicle Lifts

On June 4, 1982, at 1:30 p.m., Bid No. 50-82 was opened. There were six proposals sent out and two responses received.

The following are the results of the bid:

<u>Vendor</u>	<u>Total</u>
Wolfe Brothers, Burke Virginia	\$27,157.00
B&R Associates, Gaithersburg, Maryland	27,300.00

During the bid opening, there appeared to be only one bid, that being from B&R Associates. However, during the next scheduled bid opening at 2 p.m. on June 4, 1982, a bid envelope marked Bid No. 50-82 was found and was the bid from Wolfe Brothers, as indicated above. B&R Associates was notified immediately of the administrative error and that there were two bids. The City Attorney's office has advised that this is an acceptable bid, since it had been submitted prior to the opening time of 1:30 p.m. on June 4, 1982.

Staff recommends the award be made to Wolfe Brothers for the amount, as bid, of \$27,157.00.

The funds for this are provided in the allocated cost, motor vehicle maintenance automotive projects. (\$30,000).

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 50-82, vehicle lifts, was awarded to Wolfe Brothers, the low bidder, in the amount of \$27,157.00.

Re: Award of Contract:
Bid No. 51-82, Chemical
Root Control

Bid No. 51-82, application of chemical root control agents for the sanitary sewer system, was opened on February 4, 1982. The purpose of this contract is to apply a chemical root control agent to sanitary sewer mains, in order to destroy the growth present in the line and to inhibit root regrowth without permanently damaging the vegetation producing the roots.

There were 36 proposals sent to prospective bidders of which three companies replied with bids.

Sewer Specialty Services, Inc.
111 Marsh Road
Pittsford, New York

\$.50 per linear foot

Video Pipe Grooting Inc.
Harding Highway
Newfield, New Jersey

\$.54 per linear foot
(did not meet specifications)

Duke's Sales and Services
1020 Hiawatha Boulevard, W.
Syracuse, New York

\$.64 per linear foot

\$25,000 was budgeted in FY 82 for the purchase of the chemicals and the application.

The second low bidder, Video Pipe Grooting, Inc., did not meet specifications of having the required Certified Pesticide Applicator and Registration in the State of Maryland.

In FY 81, the City did approximately five miles of sanitary sewer mains which has considerably reduced mainline stoppages and lateral stoppages at the mainline connections due to roots.

The price per linear foot in the FY 82 bid proposals was less than in the FY 81 contract, due to the fact that the FY 81 specifications included the contractor supplying the chemicals.

Staff has found that the City could get a better price per gallon on the chemicals and a more competitive price per linear foot on the application by separating the two. The City, also, has better control of the application by purchasing the chemicals.

The amount spent in FY 81 was \$25,205.

Staff recommends the award of the contract to the low bidder, Sewer Specialty Services, Inc. at the bid price of \$.50 per linear foot, for a total bid price of \$13,200.

On motion of Councilwoman Hovsepien, duly seconded and unanimously passed, Bid No. 51-82, Chemical Root Control, was awarded to the low bidder, Sewer Specialty Services, Inc., at the bid price of \$.50 per linear foot for a total bid of \$13,200. Councilwoman Hovsepien asked if it were within the budgeted estimate. Mr. Goodin assured the Council that both contracts combined would be less than the previous year.

Re: Award of Contract: Bid No.
53-82, Smoothseal Utility
Height Adapter

Bids were opened in the Boards & Commissions Room, City Hall, at 2:30 p.m. on May 24, 1982, for furnishing the height adapters required for utility adjustments under the annual smoothseal street resurfacing program. Responses were received from:

B&C Utility Supply Inc., Finksburg, Maryland
The General Engineering Co., Frederick, Maryland
Neenah Foundry Co., Neenah, Wisconsin
Temple Foundry Alexandria, Virginia
Water Works Supply Co., Richmond, Virginia

Meeting No. 25-82

-11-

June 14, 1982

The bids were as follows:

<u>Item & Description</u>	<u>Qty.</u>	<u>B&C</u>	<u>General</u>	<u>Neenah</u>	<u>Temple</u>	<u>WWS</u>
A) 7" Valve Box Riser	118	1600.00	No bid	No bid	1529.00	3297.50
B) 7" lids	118	708.00	No bid	No bid	708.00	No Bid
C) 7.5" Valve Box Riser	134	1443.00	907.00	No bid	No bid	3929.25
D) 7.5" lids	134	777.20	891.10	No bid	No bid	1051.91
E) 24" Manhole Adj. ring	146	9441.00	No bid	7056.00	No bid	10373.00
F) Lids for 24" rings	164	7380.00	No bid	5412.00	No bid	No bid
G) 26" Manhole Adj. rings	35	2310.00	No bid	2835.00	No bid	2462.25
H) Lids for 26" rings	7	483.00	No bid	742.00	No bid	511.00

This material is being placed in inventory to be withdrawn as needed to complete the FY 82 smoothseal contract.

Temple's bid for items A&B did not meet specifications, therefore, staff recommends an award to the low bidders as follows:

B&C Utility Supply Items A,B,G,H totaling \$5,101.00

General Engineering Items C,D totaling \$1,798.10*

Neenah Foundry Items E,F totaling \$12,468.00

*Must be C&D as a unit

Councilwoman Hovsepian asked the budgeted amount. The City Manager explained that these are inventory items that are withdrawn as needed and then charged to a program.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the bids were awarded as recommended by the staff for a total amount of \$19,667.00.

Re: Award of Contract: Bid
No. 55-82, Landscape Timbers

Bids were opened in the Purchasing Office, City Hall, at 2:00 p.m., May 28, 1982, for furnishing 200 each 6" x 6" x 7' and 200 each 8" x 8" x 7' barricade posts and 1202 each 6" x 6" x 8' landscape timbers.

The bids were as follows:

Diamond M. Lumber Co., Mt. Holly, New Jersey	\$12,759.12
RAC & Sons, Inc., Davidsonville, Maryland	\$16,181.20
F. Bowie Smith & Son, Inc., Baltimore, Maryland	\$17,686.92

These landscape timbers and barricade posts will be placed in inventory to be issued as needed by Public Works and Recreation and Parks.

Staff recommends an award to Diamond M. Lumber Company for \$12,759.12.

On motion of Councilman Tyner, duly seconded and unanimously passed Bid No. 55-82 for landscape timbers and barricade posts was awarded to the Diamond Lumber Company in the amount of \$12,759.12.

Meeting No. 25-82

-12-

June 14, 1982

Re: Award of Contract: Bid No.
59-82, Resurfacing Calvin
Park Tennis Courts

Bids were opened in the Mayor and Council Chambers of City Hall on June 7, 1982, at 3:00 p.m. for the rehabilitation and resurfacing of tennis courts at Calvin Park. Twenty-four companies were sent specifications and six bids were received as follows:

National Striping Company, Inc., Beltsville, Maryland	\$23,466.00
Mid-Atlantic Court Builders, Fairfax Station, Virginia	24,995.00
White Oak Construction, Inc., Silver Spring, Maryland	25,932.00
Applicators, Inc., Laurel, Maryland	27,275.00
Concrete General, Inc., Gaithersburg, Maryland	27,515.00
Kwality Surfacing, Inc., Brooklandville, Maryland	31,545.00

This bid consists of furnishing all labor, materials, equipment, supplies necessary for or pertinent to the rehabilitation, enlarging and resurfacing of doubles tennis courts in Calvin Park. It also include the removal and replacement of a 10' chain link fence, net posts, and related appurtenances.

Staff recommends the awarding of Bid No. 59-82 to National Striping Co., Inc., in the amount of \$23,466.00 as low bidder.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 59-82, resurfacing of Calving Park Tennis Courts, was awarded to the National Striping Company, Inc., the low bidder, in the amount of \$23,466.00.

Re: Award of Contract: Bid No.
60-82, Playground Equipment

Bids were opened in the Mayor and Council Chamber at 2:00 p.m. June 3, 1982. There were four responsive bids as follows:

Guy Bitting, Inc., Harrisburg, Pennsylvania	\$7,526.00
Vaughan & Assoc., Inc., Dallas, Texas	\$8,438.00
John W. Taylor Assocs., Fort Washington, Maryland	\$8,854.00
Educational Media Inc., Washington, D.C.	\$9,670.00

This bid is to provide primarily wooden innovative play equipment designed to satisfy various age groups. The piece submitted by Guy Bitting, Inc., is made by Game Time Inc., composed of their Timb-R-Mod system.

Game Time Inc., is a leading manufacturer of innovative playground equipment and the piece they have designed meets the specifications as required. Staff recommends that Guy Bitting Inc. receive the bid.

The City Manager noted that the budgeted amount is \$8,200.

Meeting No. 25-82

-13-

June 14, 1982

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 60-82, was awarded to the Guy Bitting Company, the low bidder, in the amount of \$7,526.00.

Re: Award of Contract: Bid No.
61-82, Civic Center Landscaping

Bids were opened for the furnishing of plant materials for the Civic Center Formal Gardens on June 8, 1982, at 2:30 p.m., in the Contract Office. Seventy-nine proposals were sent out and seven responses were received. Four companies bid on all of the 31 items; the remaining bid on part of the items.

The bid specifications indicated that an award could be made on a lump sum basis or on a split award basis since there were a total of 31 items specified. The following are the bids received:

Angelica Nurseries, Inc., (13 items bid), Kennedyville, MD	\$ 2,880.55
Robert Childs Landscape Contractor (31 items bid) Annapolis, MD	14,263.90
Patrick J. Ellis Landscaping (31 items bid) Poolesville, MD	10,507.14*
Walter Fehr & Son (11 items bid) Burtonsville, MD	4,311.45
Greenbrier Farms, Inc., (31 items bid) Woodbine, MD	11,502.75
J.H. Burton & Sons, Inc., (27 items bid) Onley, MD	8,137.30
Musser Bros., Inc., (31 items bid) Gaithersburg, MD	13,249.60

The items included in the bid were Kwanzan cherry trees, azaleas, rhododendrons, junipers, Japanese maples, boxwood, ground cover, Mt. Laurel, roses and dogwoods.

\$17,000 was budgeted in the FY 82 Operating Budget for landscaping improvements at the Civic Center.

It is recommended that Bid No. 61-82 be awarded to Patrick J. Ellis Landscaping in the amount of \$10,507.14 as the low bidder.

* This amount contains a 13 percent discount if the price is paid within 10 days.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, Bid No. 61-82 was awarded to Patrick J. Ellis Landscaping, the low bidder in the amount of \$10,507.14.

Re: Award of Contract: Bid No. 62-82
Joint Sealing Compound

On June 1, 1982, at 2 p.m., Bid No. 62-82 was opened. There were 32 proposals sent out and three responses were received.

The following are the results of the bid:

Meeting No. 25-82

-14-

June 14, 1982

Vendor	Price/Gallon	Total
Seaboard Asphalt Prod. Co., Baltimore, Maryland	1.305	\$7,830.00
Duron Inc., Beltsville, Maryland	1.75	10,500.00
Anti Hydro Company Newark, New Jersey	1.78	10,680.00

The funds for this are provided in the Transportation Program area and Street Maintenance category for crack sealing and are part of the program supplies (\$184,905).

Staff recommends the award be made to Seaboard Asphalt Prod. Co. for the amount, as bid, of \$7,830.00

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 62-82, was awarded to Seaboard Asphalt Prod. Co., the low bidder in the amount of \$7,830.00.

Re: Work Session: Multi-
purpose Lake, north of
Montrose and east of I-270

The Mayor and Council conducted a work session with the Director of Public Works, Director of Recreation and Parks and Director of Planning on the Multi-purpose Lake.

The City has been following the broad guidelines outlined by Mayor and Council beginning with the inclusion of this work in the 1970 Master Plan.

The multi-purpose lake is Capital Improvements Project Number E-2 which includes the design, site acquisition, and construction of a multiple purpose lake in the Cabin John drainage area north of Montrose Road and east of I-270. A 14-acre water surface area with recreational facilities is proposed to be integrated with a major storm water detention facility. Total land requirement is approximately 46 acres.

Under State law, storm water management facilities that serve greater than 300 acres of drainage area require a separate approval of the Maryland Department of Natural Resources. On the current timetable of this agency, it appears that under most favorable conditions project review would take at least 90 days. Therefore, staff requests approval of the storm water management concept involved in this development, so that the process for obtaining State permits can begin.

Mr. Goodin, Mr. Hayes and Mr. Davis briefed the Council and with maps and drawings, explained the topography and answered the Council's questions. The Council asked to be kept updated on a regular basis on the entire project.

On motion of Councilman Tyner, duly seconded and unanimously passed, the staff was authorized to proceed with the permit process and the Mayor and Council approved the storm water management concepts involved.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Dorothy Sager, re MC 76-81, legislation re condo owners

Councilman Abrams noted that the ordinance referred to involved homeowners associations. He would like to see how this can be modified to assist Rockville condominium owners without involving other homeowner associations. Councilman Duncan noted that this is part of the entire consumer protection package. He would prefer to see the Council address it in total. Mayor Freeland agreed with both comments and asked that they be combined and that in ninety days this would appear on the Council's agenda. He asked for a work session on the protection idea and he asked that Mrs. Sager be invited to the work session as they review the condo owner's situation.

2. Carroll Biser, re budget
3. Pat Lee, East Rockville Civic Association, re Maryvale School
4. Peerless Rockville, re Dawson property

Councilman Tyner asked and the Mayor agreed that this be discussed under new business.

Re: Information Items

1. Memo from CDHA re Day Care Centers in Schools
2. Public Works Project Reports
3. Memo from Police Department re PCA newsletter
4. Memo re T-44-81, re 200 block of North Adams Street
5. Response to citizen complaint
6. Memo re 1970 Master Plan projections

Councilman Duncan thanked Mr. Blick and Mr. Davis for their summary.

7. Memo re Housing Authority

8. Memo from License and Inspection re Plastic Pipes at Lutheran Home
- Councilman Abrams asked if the Lutheran Home has been told about this. The City Manager said a letter has been sent but no response has been received.

Re: New Business

1. Councilman Tyner asked that the Dawson Farmhouse be discussed.

Agreement to sell the property to Peerless Rockville for \$1.00

In order to preserve the house, staff believes that the public interest could be served by selling the property containing the house to Peerless Rockville for \$1.00. If the City does this, additional expense should not be incurred. A condition for such sale should be that the property would revert to the City if there is total destruction of the farmhouse.

Council agreed to sell the property to Peerless Rockville for \$1.00. After considerable discussion which included Mr. Weirich, the President of Peerless Rockville, the Council agreed to stay with the 12,000 square feet lot as suggested by the staff and look at what proposals can be received with the idea that if nothing at all can be worked out it can be reconsidered in the future. If the City does this, additional expense should not be incurred. A condition for such sale should be that the property would revert to the City if there is total destruction of the farmhouse. The City Manager suggested that if 100 percent restoration were necessary, the choice should be given to rebuild or revert, but rebuilding would be done with the City's design and review.

Size and location of lot to be sold with building

In examining the site, staff concludes that all of the property between Cooperstone Court and the front of the house should go with the house. This provides a frontage of 80 ft. The side yard and rear yard boundaries would coincide with the existing chain link fence. Total square footage would amount to approximately 12,000 square feet.

The City Manager said he and the staff see no reason for a deeper lot. He asked that the Mayor and Council go on site to inspect it. He said the farm, sitting as it does in the park, is provided with the semblance of considerable land. The Council agreed to review the points which the City manager brought up.

Access drive into park

There will be no access drive into the park.

Agreement to make a low or no interest loan of up to \$30,000

At the last Council meeting, Mayor and Council raised the possibility of loaning Peerless Rockville \$30,000, interest free, for a period of one year. Staff's recommendation is that such a loan should be made only if (1) there is a clear public interest to be served; (2) a need for the loan can be justified; (3) the City can be guaranteed through securities or some means that the loan will be paid back; (4) that the house will be insured on a full replacement cost basis while the loan is in effect; and (5) the purpose of the loan is not to provide interest income to Peerless Rockville to support the project.

The Council agreed as requested by Peerless Rockville that the loan option of \$30,000 would be kept alive.

Removal of trees and maintaining the property

City forester has recommended removing only one tree.

Other issues

All City permits and fees, including water and sewer connection fees, will amount to approximately \$3,324. The cost of constructing water and sewer laterals from the property line to the house are estimated to be \$2,600, and a driveway will cost approximately \$6,600. If the City sells or leases the property for \$1.00, staff does not believe the City should incur expenses for improving the house or the site.

The point of the National Historic Trust was clarified. If the small house is restored, Peerless Rockville believes that the entire property should be enrolled as a tie in. The only effect would be the use of federal funds. This would give the federal government the right of review. If the farmhouse is restored, the City has no objection to the entire property going into the National Register, otherwise, it would oppose it.

The City Manager noted that it is possible, after more review, that technical amendments to the planned residential unit there may be necessary.

Mr. Weirich again spoke to the Council requesting the 15,000 square feet of land. Councilman Duncan suggested that if additional property is needed in order to make it a viable sale, it can be negotiated. The Mayor agreed and noted whatever land is purchased sits in a park setting.

The Council agreed to the sale for \$1.00 with 12,000 square feet of land, leaving the loan option, the removal of one tree, the reversion right after 50 percent restoration and the National Historical Trust question still to be worked out.

Meeting No. 25-82

-18-

June 14, 1982

2. Councilman Tyner suggested that the Mayor and Council schedule a work session with the Planning Commission after the Maryland Municipal League meeting so that the Mayor and Council's priorities can be impressed on them. The Mayor suggested it would be a much better idea to bring in the Traffic and Transportation Commission and maybe one or two others on a light agenda evening. He would prefer it this way since it is important for the commissions to work together.

3. Councilman Tyner suggested in an August session, the Mayor and Council meet with the Housing Authority and the Human Rights Commission.

4. Councilman Tyner noted that the Hungerford Tavern project was close to a few of the people in town but it did not have a high enough priority to offset other Mayor and Council priorities. He suggested it could get significant City support, but possibly it should be carried on through a private effort until the City's priorities adjust themselves. He asked that if the private sector has anything to add to this to come forward. Councilman Abrams agreed and said the Mayor and Council made a conscious decision because the City would have had to invest certain funds but it is a good idea for City staff to maintain correspondence with GSA in case the post office building becomes surplus. The Mayor agreed and asked that a letter be sent to GSA saying that.

5. Councilwoman Hovsepien suggested that the Mayor and Council again look into a charter review for possible revision and that be added to the Council's agenda along with a consumer protection work session.

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 17-82, May 10, 1982, were approved as amended.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 18-82, May 13, 1982, were approved, as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 19-82, May 17, 1982, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 20-82, May 24, 1982, were approved as amended.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and unanimously passed, the meeting was closed for executive session to discuss litigation.

Meeting No. 25-82

-19-

June 14, 1982

Re: Adjournment

There being no further business to come before the Mayor and Council in Executive Session, the meeting was adjourned at midnight, to convene again in general session on Monday, June 28, 1982, at 8:00 p.m. or at the call of the Mayor.